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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,508	03/29/2001	Rabindranath Dutta	AUS920010012US1	5085
35525	7590	11/21/2005		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER NGUYEN, MAIKHANH	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,508

Applicant(s)

DUTTA ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11,13,15-19,21-23,25-27,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13,15-19,21-23,25-27,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to communications: Appeal Brief filed 08/19/2005 to the original application filed 03/29/2001.
2. Claims 1-2, 4-11, 13, 15-19, 21-23, 25-27 and 33-34 are currently pending in this application. Claims 3, 12, 14, 20, 24, 28-32 and 35-39 are canceled. Claims 1, 13, 19 and 23 are independent claims.
3. In view of the Appeal Brief filed on 08/19/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.  
  
To avoid abandonment of the application, appellant must exercise one of the following two options:
  - (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
  - (b) request reinstatement of the appeal.
4. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

6. Claims 13, 15-17, 19, 21-22, 23 and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kiraly et al.** (U.S. 6,564,186 – filed 10/2001, Continuation of application No. 09/164,897 – filed 10/1998).

**As to claim 13**

MacKenty teaches data processing system for presenting content in a document (*Abstract and Fig.4*), the data processing system comprising:

- (i) parsing the document for a salient feature (*the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4*);
- (ii) response to locating the salient feature within the document for presenting the salient feature in a manner other than visually (*the text-reader software highlights the selected section of the text-based data ... the synthesized speech signals and*

- the audio signals are rendered audible with the highlighting of the selected text; col.10, lines 53-67 & col.11, lines 20-25 and item 460 in Fig.4); and*
- (iii) *determining whether to presenting additional portions of the document (the text-reader software automatically scrolls the text-based data to display the appropriate portions in text windows 310 and 320 as the document is being automatically read; col.6, lines 32-38 & the text-reader software automatically selects a next section of the document; col.11, lines 9-12).*

**As to claim 15**

Kiraly teaches the salient feature is selected from, among other things, underlining, bold-facing (*col.7, lines 9-16*).

**As to claim 16**

Kiraly teaches the salient feature is presented in an audible manner (*col.2, lines 53-57/col. 10, lines 52-56 /col.11, lines 44-67 and Figs.5A-B*).

**As to claim 17**

Kiraly teaches the salient feature is presented in a tactile manner (*text to be spoken; item 432, Fig.4*).

**As to claim 19**

The rejection of claim 13 above is incorporated herein in full. Additionally, Kiraly teaches a bus system (*data bus 102; Fig.1*); a communication unit (*a communication device 118; Fig.1*); a memory (*a volatile memory 106 and data storage unit 110; Fig.1*); and a processing unit (*the central processor 104; Fig.1*).

**As to claim 21**

Kiraly teaches the markup language is at least one of hypertext markup language (*col.3, lines 53-57*) and resource description framework (*col.2, lines 53-57 and col.9, lines 11-16*).

**As to claim 22**

Kiraly teaches presents the salient feature by highlighting the salient feature within the document instead of presenting the salient feature in a manner other than visually (*col.6, lines 20-38/col.7, lines 10-23/col.10, lines 52-67*).

**As to claim 23**

The rejection of independent claim 13 above is incorporated herein in full.

**As to claim 33**

Kiraly teaches analyzing content of document for at least one salient feature (*col.9, lines 23-34*); denoting the at least one salient feature separately from the analyzed content (*col.3, lines 28-42*); and sending the document and the separately denoted at least one salient feature to a user requesting the document (*col.5, line 60-col.6, lines 38*).

**As to claim 34**

Kiraly teaches denoting the at least one salient feature in a file and the at least one salient feature in XML tags (*col.1, lines 30-47*).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-2, 4-11, 18 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kiraly et al.**

**As to claim 1**

- a. The rejection of claim 13 above is incorporated herein in full. Additionally, claim 1 further recites “*the presented overview comprising only the collective salient features and excluding any other portions of the document.*”
- b. Kiraly does not specifically teach “the presented overview comprising only the collective salient features and excluding any other portions of the document”. Kiraly, however, suggests “*generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user*” (col. 2, lines 42-47).
- c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Kiraly’s teachings to include “*the presented overview comprising only the collective salient features and excluding any other portions of the document*” because it would have provided the capability for

assisting user with visual impairment in document editing and retrieving  
information from the World Wide Web.

**As to claim 2**

Kiraly teaches presenting the document to the user only after the user requests the  
presentation (*Abstract & col.9, lines 23-34*).

**As to claim 4**

Kiraly teaches the salient feature is selected from, among other things, underlining, bold-  
facing (*col.7, lines 9-16*).

**As to claim 5**

Kiraly teaches the salient feature is presented in an audible manner (*col.2, lines 53-  
57/col. 10, lines 52-56 /col.11, lines 44-67 and Figs.5A-B*).

**As to claim 6**

Kiraly teaches the salient feature is presented in a tactile manner (*text to be spoken; item  
432, Fig.4*).

**As to claim 7**

Kiraly teaches the document is selected from, among other things, a hypertext markup  
language (*Word Wide Web; Abstract / col.2, lines 52-57*).

**As to claim 8**

Kiraly teaches the resource description file is one of a resource description format file  
(*col.9, lines 11-16*) or an extensible markup language schema file.

**As to claims 9-10**

They include the same limitations as in claims 21-22 above, and are similarly rejected under the same rationale.

**As to claim 11**

Kiraly teaches the salient feature is indicated within the document (*col.2, lines 30-col.3, line 43*).

**As to claim 25**

Kiraly teaches receiving a request for a document having at least one salient feature; and determining the at least one salient feature (*col.7, lines 10-34*).

**As to claim 26**

Kiraly teaches determining further comprises, among other things, means for analyzing the document (*analyzes entire text-based data source for highlight output; item 420 in Fig.4*) for, among other things, underlined text (*marking the document, such as underlining; col.7, lines 23-34*).

**As to claim 27**

It includes the same limitations as in claim 25 above, and is similarly rejected under the same rationale.

***Response to Arguments***

9. Applicant's arguments filed 08/19/2005 have been fully considered but they are not persuasive.

Applicant argues that *Kiraly does not disclose parsing a document for one or more salient features*. (Remarks, page 16, 2<sup>nd</sup> full para.)

In response, Kiraly does teach parsing a document for one or more salient features (*the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4*).

Applicant argues that *Kiraly fails to show presenting only the overview to a user in a non-visual manner*. (Remarks, page 16, 3<sup>rd</sup> full para.)

In response, Kiraly's teachings "*the text-reader software highlights the selected section of the text-based data ... the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text*" (col.10, lines 53-67 & col.11, lines 20-25 and item 460 in Fig.4) meet the limitations as claimed by Applicant.

Applicant argues that *Kiraly teaches away from an essential feature of presenting certain portions of a document to a user only in response to the user's request*. (Remarks, page 16, 4<sup>th</sup> para.)

In response, Kiraly does teach presenting certain portions of a document to a user only in response to the user's request (*when a portion of a document is selected, the text-assistant software may be activated to electronically enunciate that particular portion of the document; col.8, lines 15-22*).

Applicant argues that *Kiraly does not teach parsing a document for salient features, nor taking such action to collectively provide a document overview*. (Remarks, page 17, 1<sup>st</sup> para.)

In response, Kiraly teaches parsing a document for salient features (*the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4*).

Applicant argues that Sussman does not teach initially presenting a document overview comprising only salient features, and excluding any other portions of the document.

In response, Kiraly does suggest initially presenting a document overview comprising only salient features, and excluding any other portions of the document (*generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user; col. 2, lines 42-47*).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanevsky et al.      U.S. Patent No. 6,665,642      issued: Dec. 16, 2003

Maeda et al.      U.S. Publication 2001/0054049 A1      Pub. Date: Dec. 20, 2001

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
11/12/2005